

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:) **MAIL STOP APPEAL BRIEF - PATENTS**
)
Thomas J. HERDER) Group Art Unit: 2134
)
Application No.: 09/627,558) Examiner: C. Brown
)
Filed: July 28, 2000)
)
For: SECURE TRANSACTION)
 CARD USING BIO-)
 METRICAL VALIDATION)

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop APPEAL BRIEF - PATENTS
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated May 9, 2007,

Appellant submits the following remarks:

Remarks begin on page 2 of this paper.

REMARKS

In the Notification of Non-Compliant Appeal Brief, dated May 9, 2007, the Examiner indicates that the Appeal Brief, filed March 28, 2007, does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, specifically the summary of independent claim 12.

In response, Appellant requests that the following summary of independent claim 12 be inserted under the header “V. SUMMARY OF CLAIMED SUBJECT MATTER” after the summary of independent claim 8 and before the summary of independent claim 16:

Independent claim 12 recites a fraud prevention method for use in a transaction-card-based system having a conventional authentication process. The method includes determining, by utilizing said conventional authentication process, if a fraudulent transaction is being attempted in said transaction-card-based system by a user using a transaction card (e.g., pg. 26, lines 9-15); if so, biometrically interrogating said user to obtain a biometric sample from said user (e.g., Fig. 2, block 210, pg. 11, lines 14-19); and upon obtaining said biometric sample, denying access to said user for said transaction in said transaction-card-based system if said biometric sample does not match an entry stored in a biometric profile database inherently associated with said transaction card's owner, wherein the biometric profile database includes a plurality of biometric samples previously received from the user (e.g., Fig. 2, blocks 212 and 216, pg. 11, lines 19 to pg. 12, line 6).

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: June 11, 2007

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